

**TOLER
LARSON
& ABEL_{LLP}**

**RECEIVED
CENTRAL FAX CENTER**

AUG 11 2005

FACSIMILE COVER SHEET

DATE: August 10, 2005

TO: Examiner BLAIR, Douglas B. **FAX NO.:** 571-273-8300
USPTO GPAU 2142

FROM: Jeffrey G. Toler
Reg. No. 38,342

RE: **RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

U.S. APP NO.: 10/634,116

FILING DATE.: 08/04/2003

APPLICANT(S): Kenneth R. Jones, et al.

ATTY DKT NO.: 1033-SS00379

TITLE: SYSTEM AND METHOD TO IDENTIFY DEVICES EMPLOYING
POINT-TO-POINT OVER ETHERNET ENCAPSULATION

NO. OF PAGES (INCL. COVER SHEET): 17

MESSAGE:

Attached please find:

- ☒ PTO/SB/21 Transmittal Form (1 pg.)
- ☒ Response to Notice of Non-compliant Amendment (13 pgs.)
- ☒ Copy of Notice of Non-compliant Amendment (2 pgs.)

5000 Plaza On The Lake
Suite 265
AUSTIN, TEXAS 78746

Tel: (512) 327-5515
Fax: (512) 327-5452

CONFIDENTIALITY NOTE

The pages accompanying this facsimile transmission contain information from the law office of Toler, Larson & Abel, L.L.P. and are confidential and privileged. The information is intended to be used by the individual(s) or entity(ies) named on this cover sheet only. If you are not the intended recipient be aware that reading disclosing copying distribution or use of the contents of this transmission is prohibited. Please notify us immediately if you have received this transmission in error at the number listed above and return the documents to us via regular mail.

PTO/SB/21 (09-04)


Approved for use through 07/31/2008. OMB 0651-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	10/634,116
	Filing Date	08/04/2003
	First Named Inventor	Kenneth R. Jones
	Art Unit	2142
	Examiner Name	BLAIR, Douglas B.
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	16	Attorney Docket Number 1033-SS00379

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Reply to Notice of Non-Compliant Amendment (37 C.F.R. § 1.121)
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	TOLER, LARSON & ABEL, LLP		
Signature			
Printed name	Jeffrey G. Toler		
Date	8-11-2005	Reg. No.	38,342

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	Laura H. Andre		
Typed or printed name		Date	08/11/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CUSTOMER NO.
34456

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

AUG 11 2005

Applicant(s): Kenneth R. Jones et al.

Title: SYSTEM AND METHOD TO IDENTIFY DEVICES EMPLOYING POINT-TO-POINT-
OVER ETHERNET ENCAPSULATION

App. No.: 10/634,116

Filed: 08/04/2003

Examiner: BLAIR, Douglas B.

Group Art Unit: 2141

Atty. Dkt No.: 1033-SS00379

Confirmation No.: 5754

MS AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**

Dear Commissioner:

In response to the Notice of Non-Compliant Amendment document dated July 13, 2005, Applicant submits a replacement of the "Claim Amendments" section and substantive remarks of the Reply to Non-Final Office Action filed April 25, 2005.

Please amend the above-identified application as follows under 37 CFR § 1.121:

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>08/11/2005</u> .	
<u>Laura H. Andre</u> Typed or Printed Name	<u>[Signature]</u> Signature